

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE COMPLAINT OF)
NIPSCO INDUSTRIAL GROUP AGAINST)
NORTHERN INDIANA PUBLIC SERVICE)
COMPANY FOR DETERMINATION OF JUST)
AND REASONABLE RATES IN CONNECTION)
WITH BILLING DISPUTE RELATING TO)
NIPSCO RATE 845)

CAUSE NO. 42323

FILED

SEP 26 2003

RESPONDENT: NORTHERN INDIANA)
PUBLIC SERVICE COMPANY)

INDIANA UTILITY
REGULATORY COMMISSION


You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On September 9, 2003, the NIPSCO Industrial Group ("Industrial Group") filed a *Verified Motion for Leave to File Expert Testimony, Exhibits and Work Papers Under Seal* ("Motion") in the above captioned Cause. In its Motion, the Industrial Group indicates that the testimony, exhibits and work papers of Nicholas Phillips, Jr. contain documents and information designated by NIPSCO to be confidential. The Industrial Group indicates that it has entered into a Confidentiality Agreement with NIPSCO and pledged therein to seek confidential treatment of information designated by NIPSCO as confidential. The Industrial Group included a copy of the Confidentiality Agreement along with its Motion.

170 IAC 1-1.1-4, which governs the submission of confidential or privileged information to the Commission, requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to IC 8-1-2-29 and IC 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

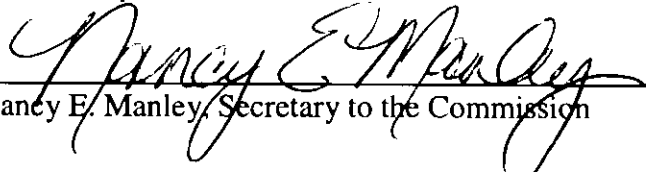
The Presiding Officer, having reviewed the information contained in the Petitioner's Motion finds that the Petitioner, other than citing to obligations that are part of its Confidentiality Agreement with NIPSCO, has not accurately described the efforts that NIPSCO has made to maintain the confidentiality of the information, or indicated why the information should be held as confidential as required by 170 IAC 1-1.1-4. Therefore, the Presiding Officer hereby finds that there is not a sufficient basis under our rules for a preliminary finding that confidential procedures are appropriate and should be followed concerning the confidential information to be submitted by the Petitioner. Accordingly, we hereby find that the Petitioner should file an affidavit, prepared by NIPSCO, in support of the Petitioner's Motion on or before October 3, 2003. In the interim, the Petitioner shall file a redacted version of Mr. Phillips' testimony with the Commission.

IT IS SO ORDERED.



Scott R. Storms, Chief Administrative Law Judge

Date: September 26, 2003



Nancy E. Manley, Secretary to the Commission